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CHAPMAN V. CHAPMAN'S TRUSTEE AND OTHERS.—Decided at Richmond, February 6, 1896.—*Harrison, J*:

1. DOWER—*Lands sold before marriage and conveyed afterwards.* The widow of a vendor of real estate is not entitled to dower in the land of her husband where it appears that the vendor sold the land before marriage, put the vendee in possession and received a part of the purchase money, and after the marriage conveyed the land to the vendee by his sole deed. And although the vendee may have been in default in the payment of the purchase money during the coverture, his mere default would not entitle the widow to dower under section 2268 of the Code.

JACKSON AND OTHERS V. HOPKINS.—Decided at Richmond, February 13, 1896.—*Buchanan, J*:

1. BONDS WITH COLLATERAL CONDITION—*Breach.* In an action on a bond with collateral condition the breach of the condition is the gist of the action; for without a breach there is no cause of action. But the breach assigned must be of the condition set forth in the bond, and if the condition of the bond is to do one thing, and the breach assigned is a failure to do another, as in the case at bar, the declaration is bad on demurrer.

2. STATUTORY BONDS—*Unauthorized conditions—Omissions.* A bond taken by a court or officer in pursuance of a statute is not vitiated because, by mistake, an unauthorized condition is inserted in it, or some condition prescribed is omitted, unless the statute by express words, or necessary implication, makes it wholly void; and the bond may be sued on, so far as the conditions are good, as a statutory bond.

LANCASTER AND OTHERS V. BARTON & LAMB AND OTHERS.—Decided at Richmond, February 20, 1896.—*Harrison, J*:

1. SALE OF INFANTS' LANDS—*Affidavit to bill.* An affidavit annexed to a bill filed under section 2616 of the Code, "sworn to before me in my county aforesaid," is sufficient evidence that the bill was sworn to; and as the section does not require that the bill *shall show* that it was verified by the affidavit of the *plaintiff*, the facts may be shown by evidence *aliunde*, though the better practice is for the affidavit to show the fact.

2. SALE OF INFANTS' LANDS—*Parties.* Where a father and mother hold lands in trust for their infant children, a bill filed in the names of the father and mother in their own right, and as trustees for such infants, against the infants, is a sufficient compliance with the statute (sec. 2616 of the Code) as to parties, as it makes parties those who would be the heirs of each one of the infants if he or she were dead.

3. COMMISSIONER'S REPORT—*Hearing on.* If a case is referred to a commissioner merely to take evidence and report upon the propriety of a sale of infants' land, his report is not one which the statute (sec. 3325 of the Code) requires to lie ten days before being acted on.

4. SALE OF INFANTS' LANDS—*Construction of will under which they are held.*

There is no prerequisite in the statute for the sale of infants' lands requiring that the will under which the lands are held shall be construed before a sale is ordered.

5. SALE OF INFANTS' LANDS.—*Answer of infant—Subsequent majority or marriage of female infant.* Under the facts of the case at bar it was not error that the female infant defendant, who had appeared and answered by guardian *ad litem* and also in proper person, was not proceeded against in proper person after attaining her majority, nor that her husband was not united as a co-defendant after her marriage with him.

6. INFANTS.—*Right to show cause—What cause may be shown.* The right of an infant after he arrives at age to show cause against a decree which affects his interest, is limited to causes existing at the time of the rendition of the decree, and does not extend to causes thereafter arising.

7. SALE OF INFANTS' LANDS.—*Answer of infant over fourteen years of age—Knowledge of proceedings—Estoppel.* Although the answer of an infant defendant over fourteen years of age to a bill for the sale of lands in which she has an interest was, in fact, neither signed nor sworn to by her, yet where the record shows an answer both signed and sworn to by her, and she has full knowledge of all the proceedings in the suit for the sale of the lands, and fully consents to a decree for the sale, and is regularly proceeded against as an infant on the record, and the sale is not made till eighteen months after she becomes of age, and she makes no objection to a confirmation of the sale, of which she has full knowledge and about which she is consulted, such infant will thereafter be estopped from setting up against a *bona fide* purchaser of said land for value the fact that she had not signed and sworn to her answer.

8. SALE OF INFANTS' LANDS.—*Sale made more than six months after date of decree, and confirmed.* Section 3425 of the Code, with reference to judicial sales made after six months from the date of the decree therefor, and which have been confirmed, applies to sales of lands of infants made in suits properly brought for that purpose.